



June 28, 2024

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
U.S. Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

**Re: The 34<sup>th</sup> Anniversary of the Americans with Disabilities Act and Pending National Coverage Analysis for Standing Systems in Power Wheelchairs**

Dear Administrator Brooks-LaSure:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (“ITEM”) Coalition write to again urge the Centers for Medicare and Medicaid Services (“CMS”) to proceed expeditiously with opening for public comment the pending National Coverage Analysis (“NCA”) for standing systems in Group 3 power wheelchairs. As the 34<sup>th</sup> anniversary of the Americans with Disabilities Act (“ADA”) approaches on July 26<sup>th</sup>, we believe there is no better way to celebrate the successes of this landmark civil rights law for people with disabilities over the past nearly three and a half decades than for CMS to open this critically important NCA to address the mobility needs of individuals with disabilities.

The ITEM Coalition—comprised of nearly 100 national organizations that seek to improve access to and coverage of assistive devices and technologies that enhance the function of people with disabilities and chronic conditions of all ages—has long advocated for the coverage of standing systems in powered wheelchairs. While the landmark National Coverage Determination (“NCD”) on power seat elevation systems that was finalized on May 16, 2023, is being warmly embraced by the disability and rehabilitation communities, we continue to urge CMS to open the separate NCA for power standing systems in Group 3 power wheelchairs that was submitted to CMS nearly four years ago to ensure that Medicare beneficiaries can access necessary standing systems as well.

For individuals who spend large parts of their day in a seated position, the value of being able to stand, bear weight on the lower limbs, allow gravity to aid in metabolic functions, and enable the performance of Mobility Related Activities of Daily Living (MRADLs) is well established in the clinical literature. Coverage of standing systems in power wheelchairs would significantly improve the health, function, and quality of life of Medicare beneficiaries with significant mobility disabilities such as spinal cord injury, paralysis, Multiple Sclerosis, amyotrophic lateral sclerosis, muscular dystrophy, limb amputation, and other mobility-related conditions.

As you know, CMS elected to split the seat elevation and standing system coverage requests submitted by the ITEM Coalition into separate NCDs, evaluating only seat elevation, and declining to set a schedule for reviewing standing systems pending further consideration. Nearly four years after our original submission, and after additional submissions of updated clinical studies and data earlier this year, we remain seriously concerned with CMS's indefinite delay in considering the evidence for coverage of power standing systems.

The ITEM Coalition implores the agency to open the pending NCA for power standing systems at the earliest possible opportunity, July 26<sup>th</sup> being a symbolic date to coincide with the anniversary of the ADA. The spirit of the ADA is one of inclusion, self-determination, non-discrimination, and equal opportunity for individuals with disabilities to participate in and benefit from the goods and services offered in society. We believe that granting coverage of standing systems in Group 3 power wheelchairs is crucial to help ensure that Medicare beneficiaries with mobility impairments are able to live as independently as possible, maintain and improve their health and function, and perform or participate in MRADLs in their homes.

Power standing systems have been available to individuals with mobility disabilities since the late 1970's and are covered by the Veterans Administration. Yet, Medicare beneficiaries have been deprived of access to this technology to date. Now is the time for Medicare—the largest health care payer in the country—to finally cover power standing systems in Group 3 power wheelchairs for beneficiaries who need them.

We greatly appreciate your support on these critical issues and your longstanding leadership on behalf of people with disabilities. We look forward to continuing our work with your office to secure Medicare coverage of standing systems in Group 3 power wheelchairs as soon as possible. Should you have any additional questions, please do not hesitate to reach out to ITEM Coalition co-coordinators [Peter.Thomas@PowersLaw.com](mailto:Peter.Thomas@PowersLaw.com) or [Michael.Barnett@PowersLaw.com](mailto:Michael.Barnett@PowersLaw.com), or by calling 202-466-6550.

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Sincerely,

**The Undersigned Members of the ITEM Coalition and Other Supporting Organizations**

Academy of Spinal Cord Injury Professionals  
Access Ready Inc.  
ACCSES  
ADVION  
All Wheels Up  
***ALS Association\****  
American Academy of Physical Medicine and Rehabilitation  
American Association for Homecare  
American Association on Health and Disability  
American Cochlear Implant Alliance  
American Congress of Rehabilitation Medicine

American Medical Rehabilitation Providers Association  
American Music Therapy Association  
American Network of Community Options and Resources  
American Occupational Therapy Association  
American Physical Therapy Association  
American Speech-Language-Hearing Association  
American Therapeutic Recreation Association  
***Amputee Coalition\****  
Autistic Women & Nonbinary Network  
The Arc of the United States  
Assistive Technology Industry Association  
Association of Assistive Technology Act Programs  
Association of Rehabilitation Nurses  
Association for Education and Rehabilitation of the Blind and Visually Impaired  
Association of University Centers on Disabilities  
Blinded Veterans Association  
Brain Injury Association of America  
The Buoniconti Fund  
Caregiver Action Network  
Center for Medicare Advocacy  
Child Neurology Foundation  
***Christopher and Dana Reeve Foundation\****  
Clinician Task Force  
Council of State Administrators of Vocational Rehabilitation  
Cure SMA  
Disability Rights Education and Defense Fund  
Easterseals DC MD VA  
Epilepsy Foundation  
Lakeshore Foundation  
Lighthouse Guild  
Long Island Center for Independent Living  
Institute for Matching Person and Technology  
Medicare Rights Center  
Muscular Dystrophy Association  
National Multiple Sclerosis Society  
The Miami Project to Cure Paralysis  
National Association for the Advancement of Orthotics and Prosthetics  
National Association for Home Care and Hospice  
National Association of Councils on Developmental Disabilities  
National Association of Rehabilitation Research and Training Centers  
National Coalition of Assistive and Rehab Technology  
National Council on Independent Living  
National Disability Rights Network (NDRN)  
National Multiple Sclerosis Society  
National Registry of Rehab Technology Suppliers  
***Paralyzed Veterans of America\****

Rehabilitation Engineering and Assistive Technology Society of North America  
*Spina Bifida Association\**  
*Team Gleason\**  
Unite 2 Fight Paralysis  
United Cerebral Palsy  
*United Spinal Association\**  
The Viscardi Center

*\*ITEM Coalition Steering Committee Member*

**Additional Supporting Organizations**

American Spinal Injury Association  
Child Neurology Society  
Falling Forward Foundation  
National Association of State Head Injury Administrators  
National Disability Institute